

8. PART III - MARINE MAMMAL SANCTUARY PROPOSALS

8.1. Purpose of the Marine Mammal Sanctuary Proposals

The purpose of the proposed marine mammal sanctuaries is to fulfil the goals, management objectives and vision statement of the Hector's Dolphin TMP.

Specific Marine Mammal Sanctuary Objectives:

- ⇒ To protect key sites in New Zealand waters of significance to Hector's dolphins including the subspecies Maui's dolphin.
- ⇒ To maintain or restore the distribution and abundance of Hector's dolphins, including the subspecies Maui's dolphin, in New Zealand waters.
- ⇒ To achieve self sustaining populations of Hector's dolphins, including the subspecies Maui's dolphin, throughout their natural range.
- ⇒ To significantly reduce or eliminate human related threats to Hector's and the subspecies Maui's Dolphin throughout their range.

8.2. Marine Mammal Sanctuary Site Selection

The following sites are proposed for their importance to regional populations of Hector's and subspecies Maui's dolphins. The proposed sites represent areas of significant dolphin habitat along the West Coast of the North Island, central New Zealand, Canterbury and Southland. These areas are also strongholds for Hector's dolphins and cover the whole range and a buffer zone for Maui's dolphins. They also provide habitat for a range of endangered marine mammals e.g. New Zealand Fur Seal, New Zealand Sea lions and Southern Right Whales. Clifford and Cloudy Bay are important routes for migrating Humpback whales.

8.3. Proposed Fisheries Restrictions

Proposed measures to control fishing activity within the Hector's Dolphins range will be considered by the Minister of Fisheries following consultation with the Minister of Conservation. The proposed measures are outlined in Part II of this document. MFish and DOC have a preference for putting in place consistent measures which cover the range of the dolphins for compliance and effectiveness reasons. Accordingly, the proposed measures will cover geographical areas which overlap with preliminary proposals for marine mammal sanctuaries. DOC has developed preliminary proposals for marine mammal sanctuaries.

Of the options set out in Part II of this document which could overlap with any proposed MMS areas, DOC has a preference for the range of measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

8.4. Fishing methods allowed

All fishing methods that do not pose a threat to Hector's or Maui's dolphins are not under consideration for possible restrictions. These include all line fishing (rod and line, surf casting, Kontiki, long line), spear fishing, potting, scoop netting and drag netting.

8.5. Process to establish marine mammal sanctuaries

DOC has the responsibility to manage marine mammals in accordance with the Marine Mammals Protection Act 1978, Marine Mammals Protection Regulations 1992 and in line with Conservation General Policy.

The purpose of the Marine Mammals Protection Act is to “make provision for the protection, conservation and management of marine mammals within New Zealand and within New Zealand Fisheries waters”.

Under the Marine Mammals Protection Act 1978 the Minister of Conservation may, by way of a gazette notice, define any place to be a marine mammal sanctuary. Submissions on any proposed sanctuary can be received up to 28 days following the publication of the notice. Where any other Minister of the Crown that has the control of any Crown-owned land, foreshore, seabed, or waters of the sea which is declared to be a marine mammal sanctuary or which forms part of one, the consent of that Minister to the declaration needs to be notified concurrently with any notice given by the Minister of Conservation under section 22 of the Act. The Minister of Conservation must then consider any written submissions he has received within the 28 day period. The Minister must then by notice indicate his intention to vary, redefine, or abolish the sanctuary if any submission is upheld. After taking into consideration any submissions during the 28 period and no submissions are upheld then the marine mammal sanctuary will take effect.

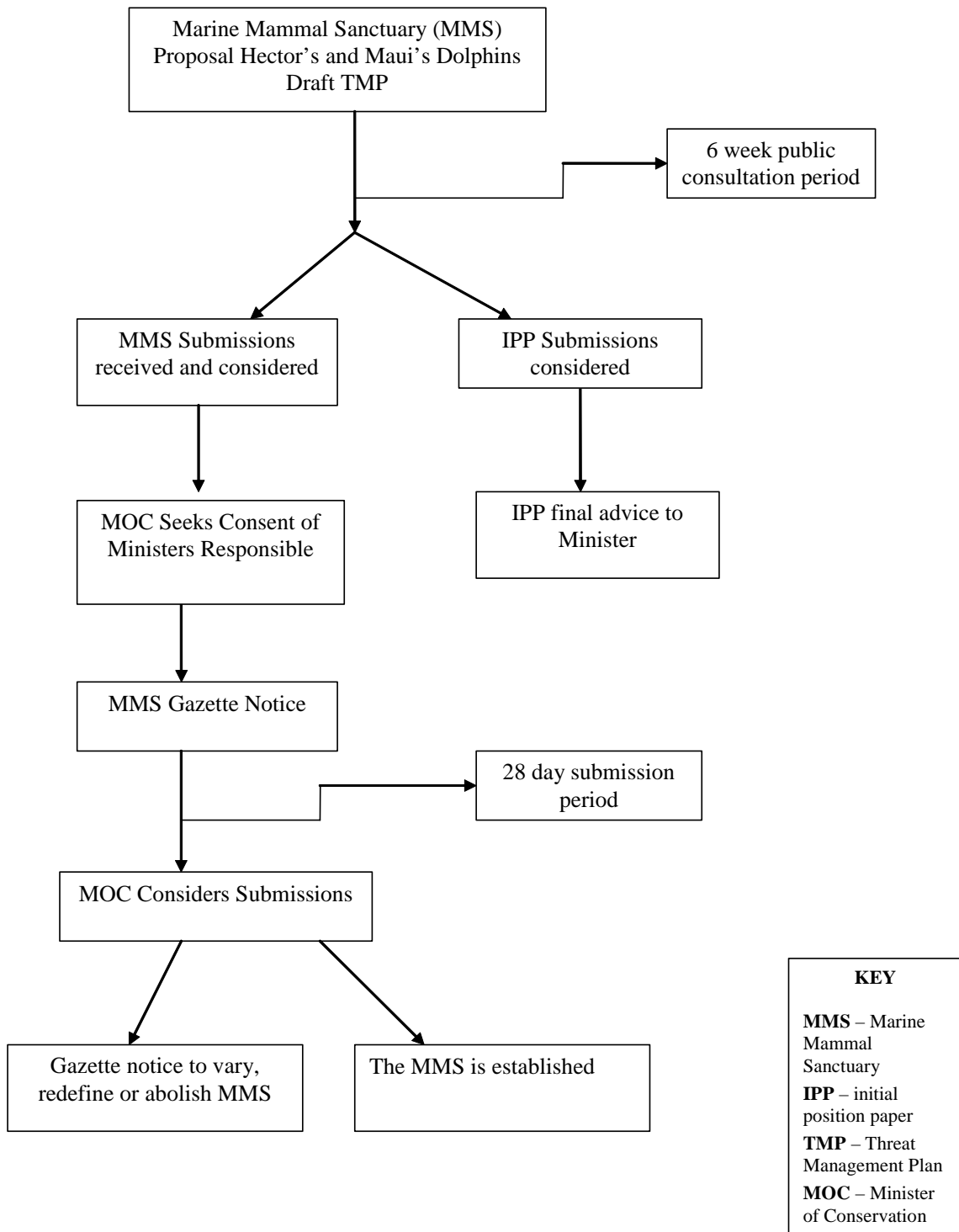


Figure 4 Marine Mammal Sanctuary process.

8.6. Multiple marine mammal sanctuary proposals

The following proposed sanctuaries will be notified in the gazette under one notice.

8.6.1. West Coast North Island proposal

8.6.1.1. Area description

The area from Maunganui Bluff to Oakura Beach contains a huge variety of coastal and marine habitats, from long sandy beaches to enclosed harbours. The exposed sandy beaches are intersected by rocky shores and dramatic cliffs, and some beaches are backed by high foredunes. A number of rock stacks and small islands are located in this area, as well as sea caves and rock arches.

The Westland and West Auckland currents are the key hydrographic features of this coast and the coast is exposed to the wind and swells primarily from the south west, although the coast east of New Plymouth does receive some shelter from Cape Egmont. The coast north of Cape Egmont is high energy coast, with waves of 1.5 to 2.5 m on average.

There are a number of large harbours along this coast, including Kaipara, Manukau, Raglan, Aotea and Kawhia Harbours. In addition, the Waikato River flows into this area, with the river mouth forming a large delta, with an extensive network of small islands. The harbours contain a range of habitats, including sandflats, mangrove forests, wetlands and dune lakes. They are important areas for not only a range of shore and estuarine birds, but a variety of other coastal and marine species. For example, they are known to be important foraging and breeding areas for a number of fish species.

The world's Maui's dolphin population is centred on this area of New Zealand. There are also a number of New Zealand fur seal haul outs in this area, primarily on the rocky headlands and islets.

8.6.1.2. Proposed boundaries

The proposed boundaries for the marine mammal sanctuary (Map 21) extend longshore from Maunganui Bluff in Northland to Oakura Beach, Taranaki in the south. The sanctuary's offshore boundary extends from MHW to the 12-mile limit. The total area of the sanctuary is approximately 1,200,086 hectares covering 2,164km of coastline.

8.6.1.3. Current restrictions

The area between Maunganui Bluff and Pariokariwa Point is currently closed to all commercial and non-commercial set netting.

Much of the area is closed to commercial trawling and Danish seining, out to one nautical mile from the coast. In addition, trawling and Danish seining are prohibited from Kawhia Harbour, Aotea Harbour, Raglan Harbour, Manukau Harbour, Kaipara Harbour, Waikato River mouth and adjacent seas within 2nm. There is also a voluntary trawl agreement in place requiring vessels to not trawl within 2nm from shore between Awakino River and Port Taranaki.

8.6.1.4. Proposed restrictions

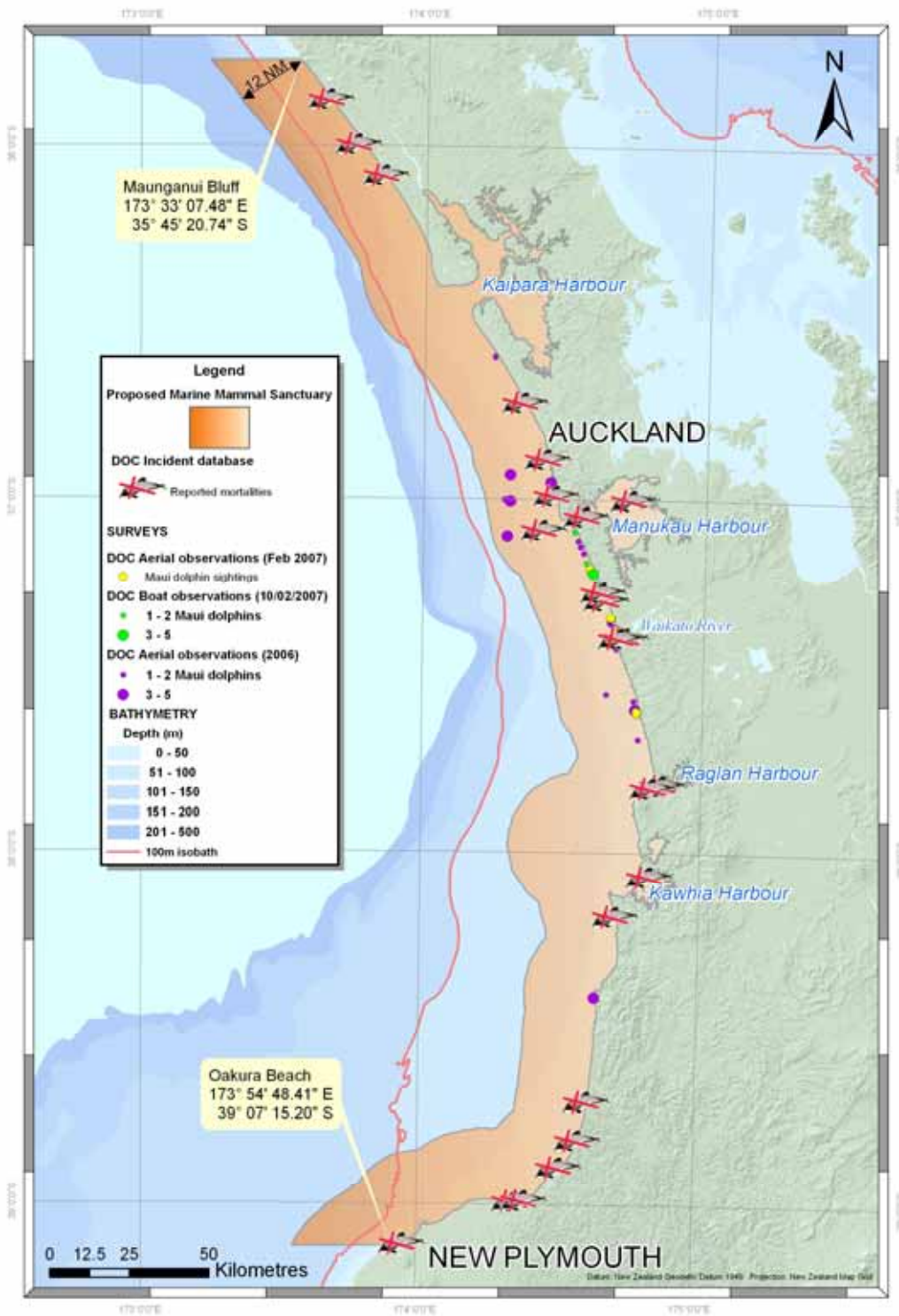
Fishing related – preferred option

DOC has a preference for measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

Non-fishing related

⇒ Implement non-fishing related mitigation national actions as a matter of priority.

⇒ Marine Mammals Protection Regulations 1992 will be strictly enforced.



Map 21: Proposed boundaries of the West Coast North Island Marine Mammal Sanctuary.

8.6.2. Clifford and Cloudy Bay

Located at the northeastern tip of the South Island, east of the Marlborough Sounds, Cloudy Bay is a large, shallow-sloping embayment with sand and gravel beaches, extending offshore into sand, mud and gravel. Cloudy and Clifford Bays are influenced by weather and tidal patterns from the Cook Strait and both bays are also exposed to weather from the northeast. The sediment-laden freshwater from the Wairau and Awatere Rivers and erosion of the soft rock characterising the coast results in very poor water clarity.

Reefs in the vicinity of Port Underwood and Cape Campbell support relatively diverse communities of algae and encrusting invertebrates, including mussels. The fish community is comprised of both warm and cold temperate species. Bivalve molluscs and mobile epifauna are common in the adjacent soft sediment areas.

A diverse shorebird fauna occurs in this area, with a significant feature being the presence of a breeding colony of royal spoonbills. A variety of seabird species also frequent the area. Clifford and Cloudy Bays support the largest population of Hector's dolphins in the Nelson/Marlborough region. Humpback whales and southern right whales migrate through the area and orca and bottlenose dolphins are also occasional visitors. Cloudy Bay was historically an important calving area for southern right whales and was also the centre of shore whaling for this species in the early-mid 1800s.

8.6.2.1. Proposed Boundaries

The proposed boundaries for this sanctuary extend from Cape Campbell to a point 12 miles offshore in a direct line to Tory Channel. The area of the proposed sanctuary is approximately 142,716 hectares covering 338km of coastline (Map 22).

8.6.2.2. Proposed Restrictions

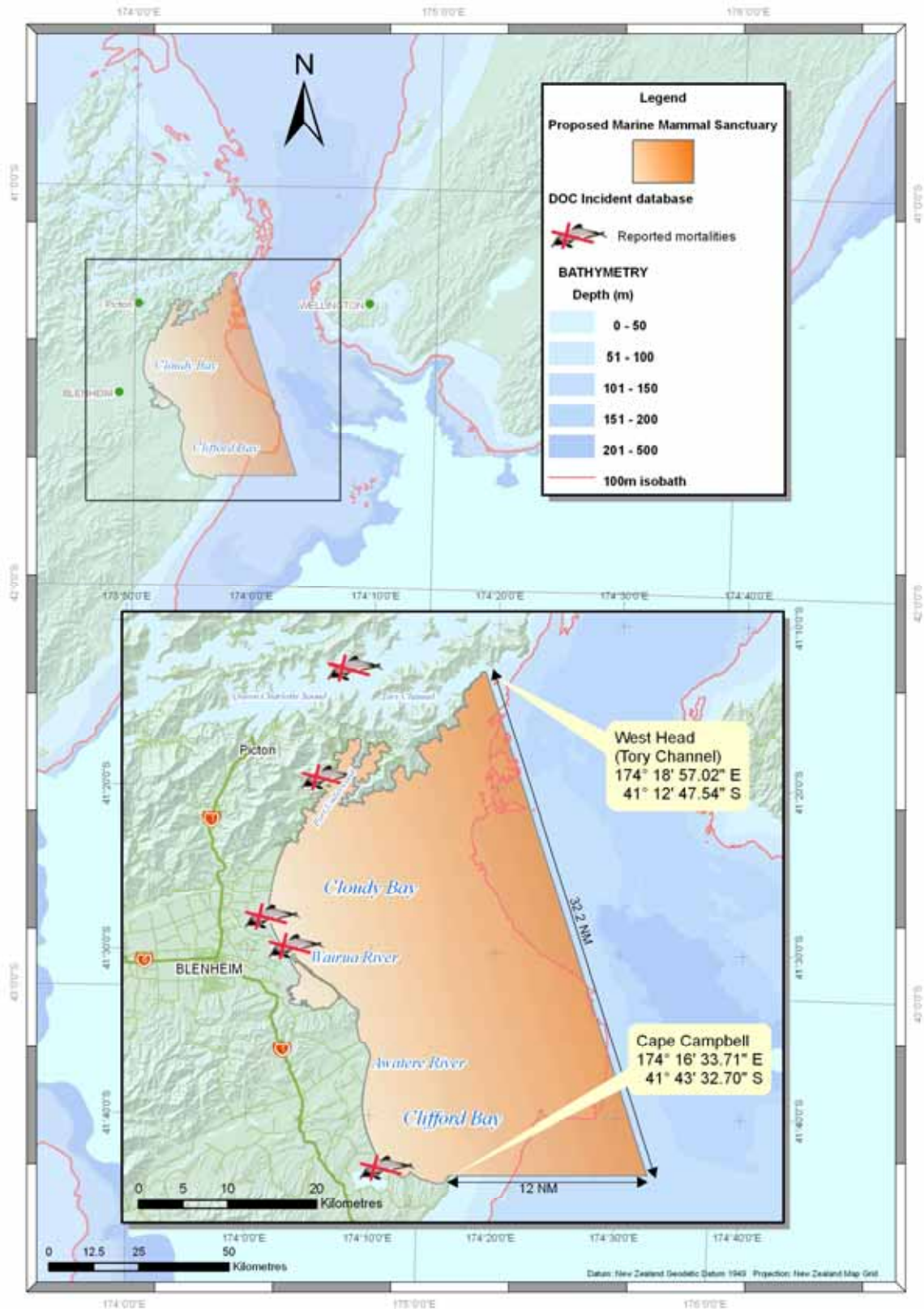
Fishing related

DOC has a preference for measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

Non-Fishing

⇒ Implement non-fishing related mitigation national actions as a matter of priority.

⇒ Marine Mammals Protection Regulations 1992 will be strictly enforced.



Map 22: Proposed boundaries of the Cloudy and Clifford Marine Mammal Sanctuary.

8.6.3. Banks Peninsula Marine Mammal Sanctuary Alterations

Banks Peninsula is a prominent feature of the Canterbury coastline and is characterised by harbours, small bays, exposed rocky headlands and cliffs. Strong tide-generated currents, the Southland Current and weather from the southeast, east and northeast are the primary influences on local hydrographic conditions. North and south of the Peninsula, the seabed is shallow-sloping, but the southeastern-most margin of the Peninsula is relatively steep, dropping into 40 metres depth within 1 nautical mile of the shore.

The harbours of Banks Peninsula (Lyttleton Harbour, Port Levy, Pigeon Bay and Akaroa Harbour) have steep-sided rocky shores, with estuaries / saltmarshes at their heads. Lyttleton and Akaroa Harbours both contain tidal mudflats. Beyond the harbours, the shallow reefs are dominated by giant kelp and bull kelp, with a variety of other algae and associated species extending subtidally.

The area around Banks Peninsula supports a large population of Hector's dolphins and this species is present in Akaroa Harbour during the summer months. New Zealand fur seals occur on many of the Peninsula's rocky outcrops. Colonies of yellow-eyed penguins, little blue penguins, spotted shags, black-backed gulls and red-billed gulls are located on the Peninsula and a variety of other seabird species frequent the area.

8.6.3.1. Current Restrictions

The Banks Peninsula Marine Mammal Sanctuary was established in 1988 and covers an area of 113,113 hectares from Sumner Head to the Rakaia River, out to 4nm offshore. Set netting is currently restricted in the area by a combination of Fisheries and Marine Mammal Sanctuary rules.

Trawling is banned in Pegasus Bay and there is also a seasonal closure in the Banks Peninsula Salmon Conservation Area. Seasonal closures also exist around several river mouths. Additional voluntary restrictions also exist.

A total fishing ban exists within the boundaries of the Pohatu Marine Reserve, at Flea Bay.

8.6.3.2. Alterations to existing sanctuary boundaries

The proposed alteration will extend from the existing southern boundary to the Rakaia river towards a seaward boundary at the 12-mile limit and north along the shore to the Waipara River. The area of the altered sanctuary will encompass approximately 413,000 hectares and cover 389.31km of coastline (Map 23).

8.6.3.3. Alterations to Existing Restrictions

The existing fishing related restrictions will be abolished and replaced by options under the Fisheries Act. This will better allow for a consistent approach to the fisheries rules within the region.

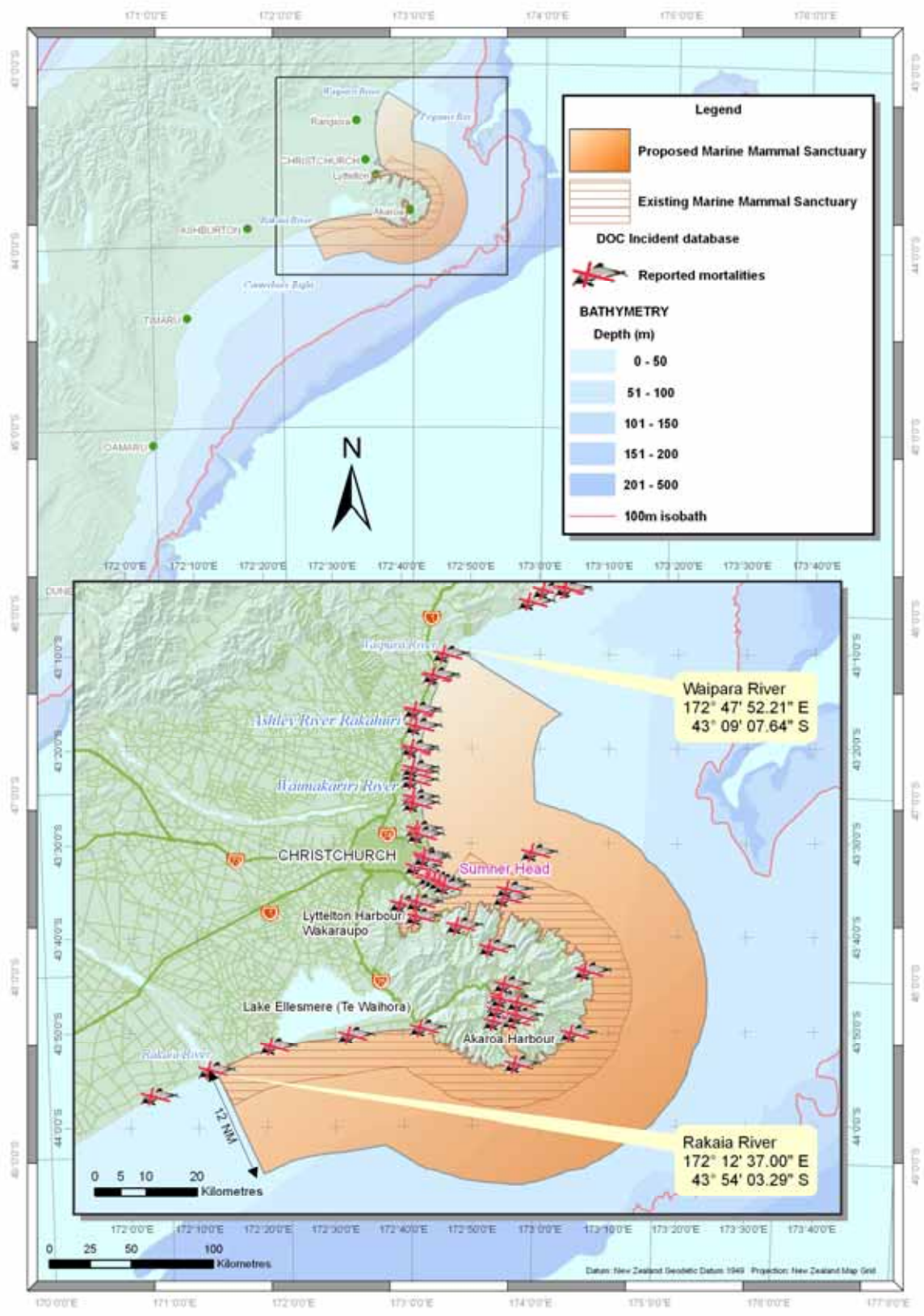
Fishing – preferred option

DOC has a preference for measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

Non-Fishing

⇒ Implement non-fishing related mitigation national actions as a matter of priority.

⇒ Marine Mammals Protection Regulations 1992 will be strictly enforced.



Map 23: Proposed Alterations to Banks Peninsula Marine Mammal Sanctuary

8.6.4. Catlins Coast

The Catlins coast, east of Invercargill on the Southland coast, is renowned for its rugged, exposed reefs and cliffs, which are interspersed with sandy beaches and small estuaries. The coast is exposed to wind and swell from the south and is also influenced by the Southland Current.

The seabed slopes steeply around the numerous headlands in the area, but is more shallow-sloping in the bays between headlands. The subtidal reef communities are characterised by extensive beds of bull kelp, extending into *Lessonia variegata* forests with a diverse foliose red algal understorey. Beyond the reefs, the seabed is comprised primarily of fine sand and broken shells, with some gravel in areas further offshore.

This area supports populations of several penguin species, including the yellow-eyed penguin. Marine mammals are also a conspicuous feature of the coastal and marine environment. New Zealand fur seals, sea lions and elephant seals, and a population of Hector's dolphins inhabit the area.

8.6.4.1. Proposed Boundaries

The proposed boundaries extend from Brother's Point offshore 5 miles to a point 6.9 miles offshore to Bushy Point Beacon. The proposed sanctuary is approximately 65,967 hectares and covers 161km of coastline (Map 24).

8.6.4.2. Current Restrictions

There are currently no restrictions in place, but a long-standing agreement exists amongst local fishers to not set nets in the vicinity of Porpoise Bay.

8.6.4.3. Proposed Restrictions

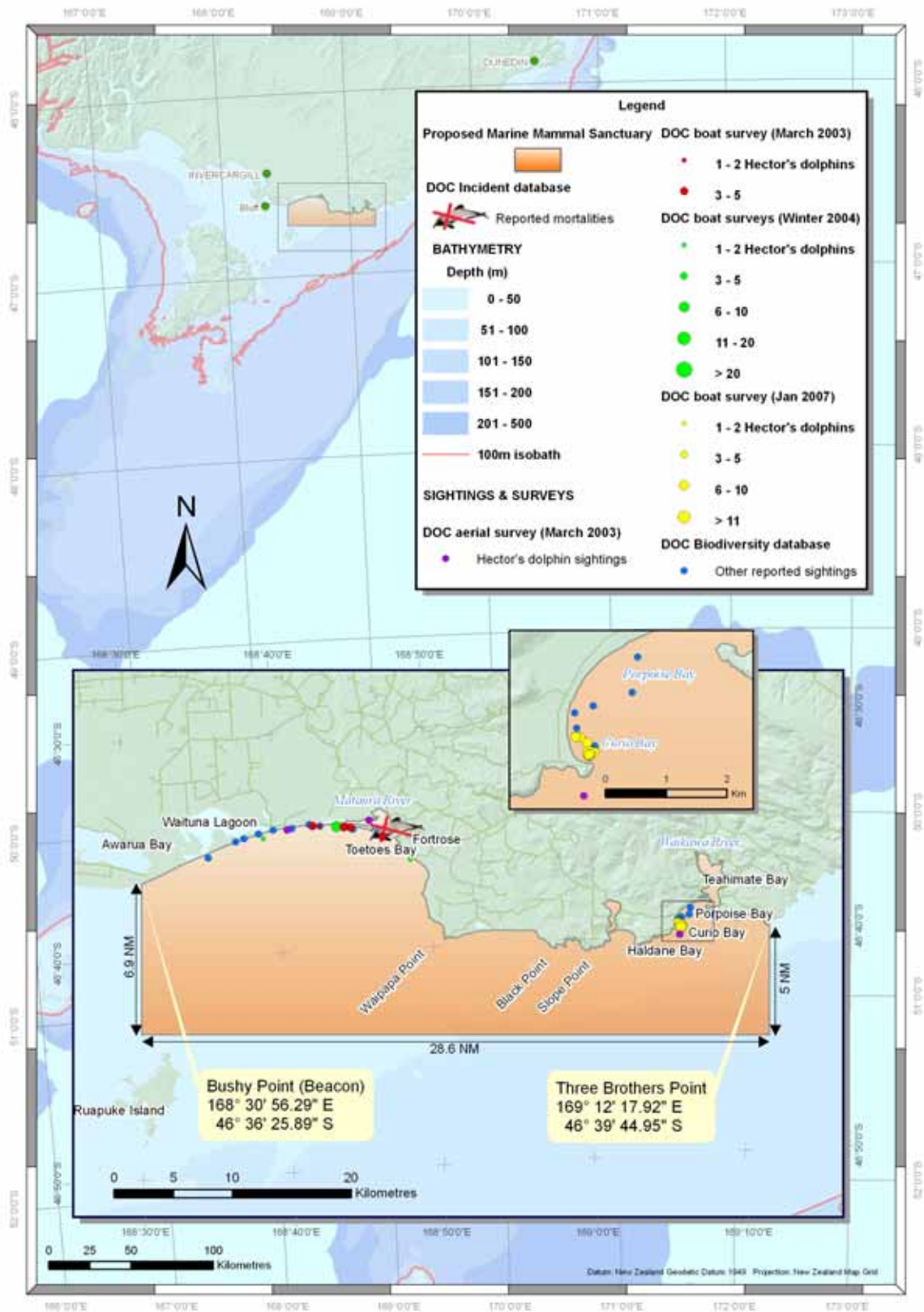
Fishing – preferred option

DOC has a preference for measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

Non-Fishing

⇒ Implement non-fishing related mitigation national actions as a matter of priority.

⇒ Marine Mammals Protection Regulations 1992 will be strictly enforced.



Map 24: Proposed boundaries of the Catlin's Marine Mammal Sanctuary.

8.6.5. South Coast - Te Waewae Bay

Te Waewae Bay, located on the Southland Coast, is a large embayment stretching approximately 30 km between Sand Hill Point to the west and Pahia Point to the east. The bay is comprised of a range of soft shores, including gravel, cobble, boulder and sandy beaches. The Waiau River is the major river flowing into the bay, inputting a significant amount of fresh water into the marine environment. At the mouth of the Waiau River, a shingle bar exists, forming a lagoon. Strong tidal currents also influence the area, in addition to flow from the Southland Current.

The seabed of Te Waewae Bay is shallow sloping, extending up to approximately 30 metres depth. The seabed is composed of fine sand and clay. The benthic fauna of the soft sediment habitat includes beds of bivalve molluscs, including the Bluff oyster. Mid Bay Reef, comprising two small pinnacles, is located approximately 5km east of Sand Hill Point and rises from a depth of around 30 metres, with the northern pinnacle breaking the surface.

Marine mammals are a conspicuous feature of the bay, with pods of Hector's dolphins regularly observed in the area. The area is also frequented by southern right whales, with recent observations of breeding activity. New Zealand fur seals haul out on beaches around the Southland coast, including Te Waewae Bay. The Southland coast, including the small islets, is known to be an important area for roosting and breeding sea birds, including red-billed gulls, little shags, spotted shags, blue penguins and white-fronted terns.

8.6.5.1. Proposed Boundaries

The proposed boundary of the proposed Te Waewae Bay Sanctuary is a line from Pahia point to Sand Hill Point. The area covers approximately 35,906 hectares and 112.93 km of coastline (Map 25).

8.6.5.2. Current Restrictions

Mandatory interim measures are currently in place, which require non-commercial set netters to stay in attendance with their nets while set.

8.6.5.3. Proposed Restrictions

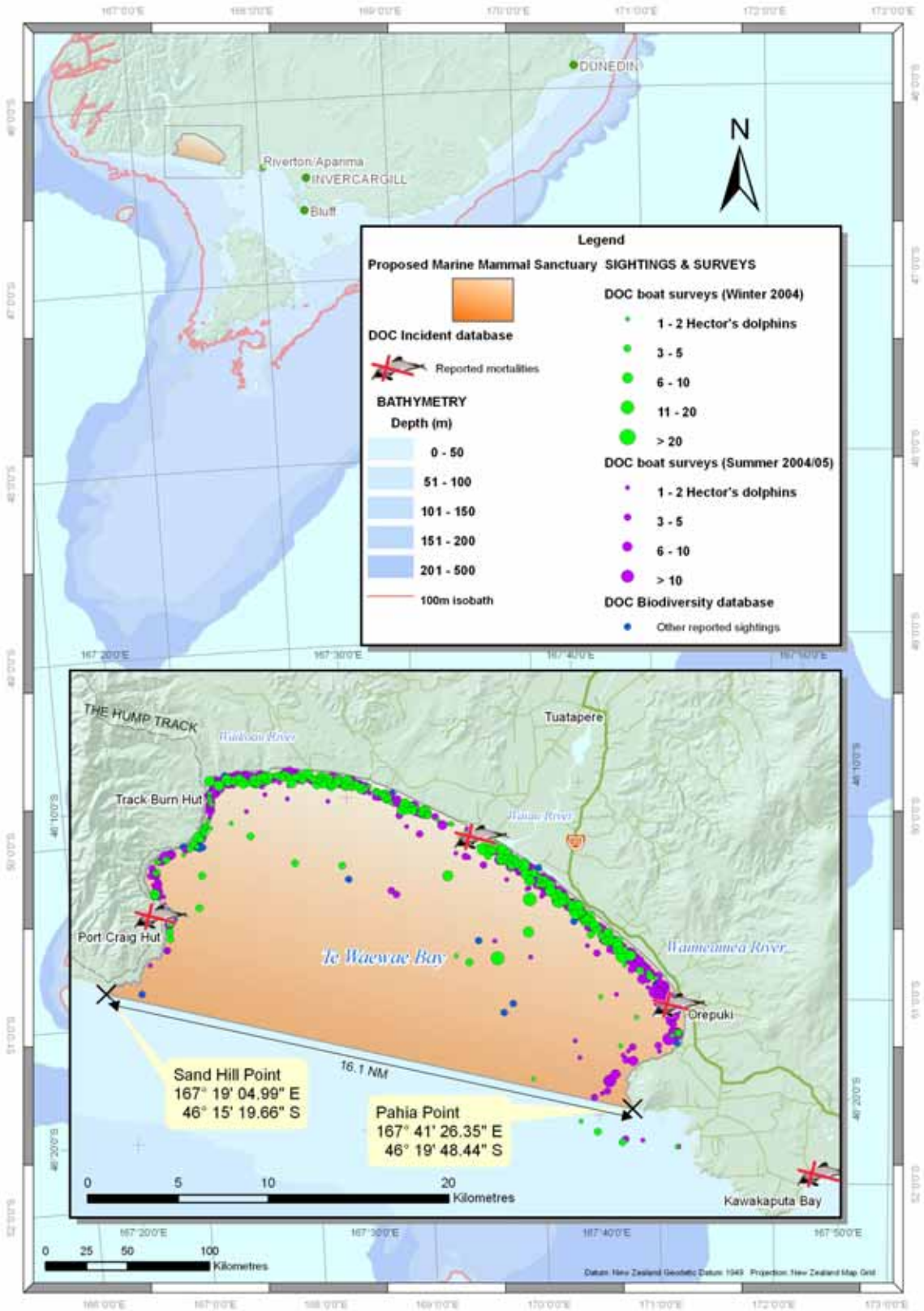
Fishing – preferred option

DOC has a preference for measures that reduce the likelihood of fishing related mortality to the lowest level possible. DOC considers these measures to be those most consistent with the intent of the MMPA and the objectives for the proposed MMS set out at the start of this section.

Non-Fishing

⇒ Implement non-fishing related mitigation national actions as a matter of priority.

⇒ Marine Mammals Protection Regulations 1992 will be strictly enforced.



Map 25: Proposed boundaries of Te Waewae Marine Mammal Sanctuary.

